

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

AUG 31 2007

JOHN F. CORCORAN, CLERK
BY: 
DEPUTY CLERK

DON JUAN TORRES,
Plaintiff,

v.

GENE JOHNSON, et al.
Defendants.

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Civil Action No. 7:07cv00398

FINAL ORDER

By: Hon. Glen E. Conrad
United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED

that the plaintiff's complaint shall be **DISMISSED** and **STRICKEN** from the active docket of the court, pursuant to 28 U.S.C. § 1915A(b)(1). Any pending motions are hereby **DENIED** as **MOOT**.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to plaintiff.*

ENTER: This 31st day of August, 2007.



United States District Judge

* Federal law provides that a prisoner may not bring a civil action without complete prepayment of the appropriate filing fee if the prisoner has brought, on three or more occasions, an action or appeal in a federal court that was dismissed as frivolous, as malicious, or for failure to state a claim upon which relief may be granted, unless the prisoner is in imminent danger of serious physical injury. See 28 U.S.C. §1915(g). Plaintiff has had two cases dismissed for failure to state a claim upon which relief may be granted. See Civil Action No. 7:06-cv-00576 (W.D. Va. September 29, 2007), and United States Court of Appeals for the Fourth Circuit Case No. 06-7770 (January 22, 2007). Plaintiff is hereby advised that this dismissal constitutes his third "strike" under §1915(g).